

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-23 are currently pending. Claims 1-4, 8, 9, and 11-16 have been amended; and Claims 17-23 have been added by the present amendment. The changes and additions to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 1-16 were objected to as containing informalities; Claims 1-5, 8-12, and 16 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0128359 to Horvitz et al. (hereinafter “the ‘359 publication”); and Claims 6, 7, and 13-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘359 publication in view of U.S. Patent No. 6,654,786 to Fox et al. (hereinafter “the ‘786 patent”).

Regarding the objections to Claims 1-16, independent Claims 1, 8, and 11 have been amended to no longer recite “which can.” Further, Claims 1, 8, and 11 have been amended to clarify the recited “undelivered information.” Accordingly, the objections to Claims 1-16 are believed to have been overcome.

Amended Claim 1 is directed to a relay device, comprising: connection detection means for detecting that a client terminal is in a communicable state with a network, when the client terminal connects to another information transmission device through the network and uses a service provided through the connection. The changes to Claim 1 are supported by the originally filed specification and do not add new matter.¹

Regarding the rejection of Claim 1 under 35 U.S.C. § 102(e), the ‘359 publication is directed to a notification platform architecture. In particular, the ‘359 publication discusses that the architecture includes a context analyzer for determining a user’s state such as location

¹ See, e.g., paragraph [0040] of Applicants’ specification.

and attentional focus, wherein the user's state is employed by a notification manager to make decisions regarding what, when, and how information generated by the notification sources should be forwarded to the notification sinks.² The '359 publication discusses, for example, that if the user has a cell phone on, this may indicate that the user can receive alerts on the cell phone. However, if the user is currently talking on the cell phone, this can indicate that the user has his or her attentional focus on something else and that the user should not presently be disturbed with a notification alert.³ Further, the '359 publication discusses that, in another example, if a PDA device is being accessed by the user, this can indicate that the user is able to receive alerts at the PDA device and that the notifications should be conveyed to the PDA device.⁴

In other words, the '359 publication discusses that notifications are transmitted to a user device based on the state of the user. The '359 publication does not disclose connection detection means for detecting that a client terminal is in a communicable state with a network, when the client terminal connects to another information transmission device through the network and uses a service provided through the connection.

Accordingly, it is respectfully submitted that Claim 1 (and all associated dependent claims) patentably defines over the '359 publication.

Amended Claim 8, recites in part, notification reception means for receiving a notification concerning detection of a client terminal that is in a communicable state with a network, when the client terminal connects to another information transmission device through the network and uses a service provided through the connection.

As noted above, the '359 publication fails to disclose a relay device including "connection detection means" as recited in Claim 1. Thus, the '359 publication fails to

² See '359 publication, Abstract.

³ Id. at paragraph [0101].

⁴ Id. at paragraph [0102].

disclose the information transmission system of Claim 8. Accordingly, it is respectfully submitted that Claim 8 (and all associated dependent claims) patentably defines over the '359 publication.

Amended Claim 11, recites in part, detecting, by use of connection detection means, that a client terminal is in a communicable state with a network, when the client terminal connects to another information transmission device through the network and uses a service provided through the connection.

As noted above, the '359 publication fails to disclose "connection detection means" as recited in Claim 1. Thus, the '359 publication fails to disclose the information transmission method of Claim 11. Accordingly, it is respectfully submitted that Claim 11 (and all associated dependent claims) patentably defines over the '359 publication.

Regarding the rejections of dependent Claims 6, 7, and 13-15 under 35 U.S.C. § 103(a), it is respectfully submitted that the '786 patent fails to remedy the deficiencies of the '359 publication, as discussed above. Accordingly, it is respectfully submitted that the rejections of dependent Claims 6, 7, and 13-15 are rendered moot by the present amendment to the independent claims.

Further, with respect to dependent Claims 6 and 14, the Office Action acknowledges that the '359 publication is silent as to the claimed information transmission means adds the selected undelivered information by changing the HTTP header of the other information transmitted to the client terminal, and transmits the selected undelivered information to the client terminal. Rather, the Office Action relies on the '786 patent for such a teaching.

The '786 patent is directed to a method and apparatus for informing wireless clients about updated information. However, it is respectfully submitted that the '786 patent fails to disclose that the information transmission means adds the selected undelivered information by changing the HTTP header of the other information transmitted to the client terminal, and

transmits the selected undelivered information to the client terminal. Rather, the '786 patent discusses that all push notifications, that are still pending, will immediately be delivered when a wireless client device contacts the proxy server.⁵ Moreover, assuming *arguendo* that the discussed update notification updates headers, as asserted by the Office Action, the headers would be updated to reflect the updated content, not to add selected undelivered information by changing the HTTP header of other information transmitted to the client terminal. Accordingly, it is respectfully submitted that dependent Claims 6 and 14 patentably define over any proper combination of the '359 publication and '786 patent.

The present amendment also sets forth new Claims 17-23 for examination on the merits. New Claims 17-23 are supported by the originally filed specification and do not add new matter.⁶ It is noted that these more detailed features of the claimed invention are not disclosed or suggested by the art of record.

New Claim 17, recites in part, a connection detection unit configured to detect that a client terminal is in a communicable state with a network, when the client terminal connects to another information transmission device through the network and uses a service provided through the connection.

As noted above, the '359 publication fails to disclose "connection detection means" as recited in Claim 1. Thus, the '359 publication fails to disclose the relay device as recited in Claim 17. Accordingly, it is respectfully submitted that Claim 17 patentably defines over the '359 publication.

New Claim 18, recites in part, a notification reception unit configured to receive a notification concerning detection of a client terminal that is in a communicable state with a

⁵ The '786 patent, see column 13, lines 1-5.

⁶ See, *e.g.*, paragraphs [0038] to [0048] of Applicants' specification.

network, when the client terminal connects to another information transmission device through the network and uses a service provided through the connection.

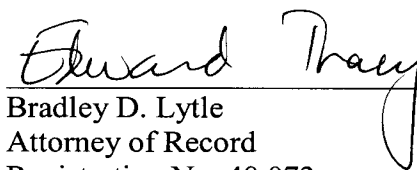
As noted above, the '359 publication fails to disclose a relay device including "connection detection means" as recited in Claim 1. Thus, the '359 publication fails to disclose the information transmission system of Claim 18. Accordingly, it is respectfully submitted that Claim 18 patentably defines over the '359 publication.

Thus, it is respectfully submitted that independent Claims 1, 8, 11, 17, and 18 (and all associated dependent claims) patentably distinguish over any proper combination of the '359 publication and '786 patent.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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